

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Taiji FURUKAWA et al.

Group Art Unit: 1625

Application No.: 10/580,532

Examiner: P. MORRIS

Filed: June 13, 2006

Docket No.: 128186

For: T-TYPE CALCIUM CHANNEL BLOCKER

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the August 11, 2009, Restriction and Election of Species Requirement, Applicants provisionally elect Group II, with traverse. Applicants further elect compound 6 of Group II, with traverse. Applicants respectfully submit that at least claims 1-10 and 13-19 read on the elected species and claim 1 is generic to all Groups and species.

The Restriction and Election of Species Requirement indicates, at page 3, lines 11-12, that compound 7 is a member of Group III and compound 9 is a member of Group IV. Applicants respectfully point out that compounds 7 and 9 are members of Group II because compounds 7 and 9 are compounds in which Ar<sup>1</sup> is 3-nitrophenyl and an additional heterocycle is present.

It is also respectfully submitted that the subject matter of all claims and species is sufficiently related that a thorough search for the subject matter of any one Group of claims and/or species would encompass a search for the subject matter of the remaining claims and species. Thus, it is respectfully submitted that the search and examination of the entire

application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: September 11, 2009

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